

UNITED STATES DISTRICT COURT

Central District of California

BILL OF COSTS (LOCAL RULE 54-4)

MARK GABLE a/k/a MARK PIZZUTI

V.

Case Number: CV 08-4013 SVW (FFMx)

NATIONAL BROADCASTING COMPANY,
 GREGORY THOMAS GARCIA, 20th CENTURY
 FOX FILM CORPORATION, 20th CENTURY FOX
 HOME ENTERTAINMENT

Judgment having been entered in the above entitled action on February 22, 2010 against Mark Gable a/k/a Mark Pizzuti
 Date

the Clerk is requested to tax the following as costs:

Filing fees: see L.R. 54-4.1	\$
Fees for service of process: see L.R. 54-4.2 .....	.....
United States Marshal's fees: see L.R. 54-4.3 .....	.....
Clerk's fees: see L.R. 54-4.4 .....	.....
Report's transcripts: see L.R. 54-4.5 .....	.....
Depositions: see L.R. 54-4.6	4,813.20
Witness fees (itemize on page 2): see L.R. 54-4.7	0.00
Interpreter's and translator's fees: see L.R. 54-4.8 .....	.....
Docket fees: see L.R. 54-4.9 .....	.....
Masters, commissioners and receivers: see L.R. 54-4.10 .....	.....
Certification, exemplification and reproduction of documents: see L.R. 54-4.11	156.20
Premiums on bonds and undertakings: see L.R. 54-4.12 .....	.....
Other Costs: see L.R. 54-4.13 .....	.....
State Court costs: see L.R. 54-4.14 .....	.....
Costs on appeal: see L.R. 54-5 .....	.....
Cost of a bankruptcy appeal to the District Court: see L.R. 54-6 .....	.....
Other (please itemize) .....	.....
TOTAL	\$ 4,969.40

NOTE TO PARTIES SUBMITTING BILL OF COSTS: Attach to the bill of costs an itemization and documentation supporting all requested fees and costs. Documentation includes receipts, orders and stipulations. All receipts must be self-explanatory.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
☐ Conventional service by first class mail, postage prepaid as set forth below

s/ Attorney: /Jill P. Rubin/Name of Attorney: Jill P. RubinCosts are taxed in the amount of \$4,969.20

By: _____
 Clerk of Court Deputy Clerk Date

MEMORANDUM IN SUPPORT OF BILL OF COSTS

Defendants are entitled to recover the following costs as the prevailing party:

A. Costs incurred in connection with taking depositions [Local Rule 54-4.6]

The following costs were incurred in connection with depositions take were taken for use in this case. Local Rule 54.6. *See* Declaration of Jill P. Rubin (“Rubin Decl.”), ¶¶4,5, Exhibits B, C.

Deponent	Deposition Date	Amount
Gregory Garcia	10/30/2008	\$969.25
Kenneth Neisser	12/22/2008	\$393.95
David Gersch	2/6/2009	\$535.00
Mark Gable	11/20/2008	\$1,135.10
David Nimmer	3/3/2009	\$1,285.30
Eric Sherman	3/10/2009	\$494.60
Subtotal:		\$4,813.20

B. Reproduction of Exhibits [Local Rule 54-4.11]

The following costs were incurred in connection with the reproduction of exhibits that were attached to a motion in this case. Local Rule 54.4, Rubin Decl., ¶6.

Pleading	Filed	Pages	Amount at \$.10/page
Declaration of Jill P. Rubin In Support Of Defendants’ Motion for Summary Judgment	12/10/2008	243 pgs	\$4.30
Declaration of Jeff Rovin In Support Of Defendants’ Motion for Summary Judgment	12/10/2008	64 pgs	\$6.40

1	Declaration of Eric. J. German			
2	In Support Of Defendants'			
3	Opposition to <i>Ex Parte</i> to			
4	Continue Defendants'			
5	Motion for Summary Judgment			
6	or 50 Days	12/12/2008	130 pgs	\$13.00
7	Declaration of Jill P. Rubin			
8	In Support Of Fox Defendants'			
9	Motion for Summary Judgment	2/6/2009	246 pgs	\$24.60
10	Declaration of Jill P. Rubin			
11	In Support Of Defendants' Reply			
12	In Support of Motion for Summary			
13	Judgment	3/16/2009	87 pgs	\$8.70
14	Declaration of Jill P. Rubin			
15	In Support of Opposition			
16	to Plaintiff's <i>Ex Parte</i> to Strike	3/19/2009	11 pgs	\$1.10
17		Subtotal:	781 pgs	\$78.10
18				(x2 copies)
19		Total Copies		\$156.20
20				
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DECLARATION OF JILL P. RUBIN

I, JILL P. RUBIN, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and this United States District Court. I am an associate with the law firm of Mitchell Silberberg & Knupp LLP ("MSK"), attorneys for NBC Universal, Inc., Gregory Thomas Garcia, Twentieth Century Fox Film Corporation, and Twentieth Century Fox Home Entertainment LLC in this matter. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On or about February 22, 2010, the Court granted judgment to Defendants Motion for Summary Judgment in this action, and, therefore, pursuant to Local Rule 54-1, Defendants are the prevailing parties entitled to recover their costs. Judgment was filed by the Court in favor of Defendants on February 22, 2010. A true and correct copy of the Court's Judgment is attached hereto as Exhibit A.

4. Attached as Exhibit B are true and correct copies of invoices from Barkley Court Reports which identify the costs associated with court reporting services in connection with the deposition of Gregory Garcia, Kenneth Neisser, and David Gersh. The total recoverable cost of these services was \$1,898.20. As such, they are properly recoverable pursuant to Local Rule 54-4.6.

5. Attached as Exhibit C are true and correct copies of invoices from TSG Reporting which identify the costs associated with court reporting services in connection with the deposition of Mark Gable, David Nimmer, and Eric Sherman. The total recoverable cost of these services was \$2,915.00. As such, they are properly recoverable pursuant to Local Rule 54-4.6.

6. The costs contained in the Bill of Costs for reproduction of documents are for the cost of exhibits necessarily filed and served in this action, *i.e.*, exhibits to: (a) Declaration of Jill P. Rubin In Support Of Defendants' Motion for Summary

1 Judgment – 243 pages; (b) Declaration of Jeff Rovin In Support Of Defendants’
2 Motion for Summary Judgment – 64 pages; (c) Declaration of Eric. J. German In
3 Support Of Defendants’ Opposition to *Ex Parte* to Continue Defendants’ Motion
4 for Summary Judgment for 50 Days – 130 pages; (d) Declaration of Jill P. Rubin
5 In Support Of Fox Defendants’ Motion for Summary Judgment – 246 pages; (e)
6 Declaration of Jill P. Rubin In Support Of Defendants’ Reply In Support of Motion
7 for Summary Judgment – 87 pages; and (f) Declaration of Jill P. Rubin In Support
8 of Opposition to Plaintiff’s *Ex Parte* to Strike – 11 pages. As such, they are
9 properly recoverable pursuant to 28 U.S.C. § 1920(3) and Local Rule 54-4.11.
10 Based on my review of the records in this matter, I am informed and believe that
11 two sets of copies of these pages were necessarily made -- one for the court and
12 one for service on the Plaintiff’s attorney in this matter. At \$0.10 per page, the
13 cost is \$156.20 (781 pages x 2 x \$0.10) for photocopying of these exhibits.

14 7. With respect to each and every item identified on the Bill of Costs,
15 including the itemization of costs as set forth in the exhibits attached hereto in
16 support of the Bill of Costs, I verify that (1) the items claimed as costs are correct;
17 (2) the costs have been necessarily incurred in the defense of this action; (3)
18 services for which fees have been charged were actually and necessarily
19 performed; and (4) costs have been paid or the obligation for payment has been
20 incurred. The total recoverable costs for deposition transcripts and the duplication
21 of exhibits is \$4,969.40

22 I declare under penalty of perjury under the laws of the United States that the
23 foregoing is true and correct. Executed on March 9, 2010, at Los Angeles,
24 California.

25 /Jill P. Rubin/
26 Jill P. Rubin
27

EXHIBIT A

EXHIBIT A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARK GABLE a/k/a MARK PIZZUTI,) CV 08-4013 SVW (FFMx)
)
)
Plaintiffs,)
)
v.) JUDGMENT IN FAVOR OF DEFENDANTS
) NBC UNIVERSAL, INC.
) (erroneously sued as NATIONAL
NATIONAL BROADCASTING COMPANY) BROADCASTING COMPANY), GREGORY
(“NBC”), a California) THOMAS GARCIA, TWENTIETH
corporation, GREGORY THOMAS) CENTURY FOX FILM CORPORATION
GARCIA, an individual, 20th) (erroneously sued as 20TH
CENTURY FOX FILM CORPORATION, a) CENTURY FOX FILM CORPORATION),
corporation, 20th CENTURY FOX) AND TWENTIETH CENTURY FOX HOME
HOME ENTERTAINMENT AND DOES 1) ENTERTAINMENT (erroneously sued
through 10, inclusive,) as 20TH CENTURY FOX HOME
Defendants.) ENTERTAINMENT)

Pursuant to the Court’s Order granting Defendants NBC Universal Inc. (“NBC”), Gregory Thomas Garcia (“Garcia”), Twentieth Century Fox Film Corporation, and Twentieth Century Fox Home Entertainment’s Motions for Summary Judgment, dated on February 22, 2010,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that judgment shall be entered in favor of Defendants NBC, Garcia, Twentieth Century Fox Film Corporation, and Twentieth Century Fox Home Entertainment

1 (collectively, "Defendants") in the above-captioned action. Plaintiff
2 Mark Gable shall take nothing against Defendants.

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5 IT IS SO ORDERED.

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8 DATED: 2/22/10



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STEPHEN V. WILSON

UNITED STATES DISTRICT JUDGE

EXHIBIT B

EXHIBIT B

INVOICE

BARKLEY File No. 50217
 Court Reporters Los Angeles, CA 90074-0217
 Tel 800.222.1231 Fax 310.867.2611
 barkley.com

42040-1

Invoice No.	Invoice Date	Job No.
360208	11/18/2008	271646
Job Date	Case No.	
10/30/2008	CV 08-4013 SVW (FFMx)	
Case Name		
Gable v. NBC		
Payment Terms		
Net 30; Interest @ 1.5%/mo after 30 days		

OK

Eric J. German, Esq.
 Mitchell, Silberberg & Knupp
 11377 W. Olympic Blvd., 8th Fl.
 Los Angeles, CA 90064-1683

1 CERTIFIED COPY OF TRANSCRIPT OF:

Gregory Thomas Garcia	201.00 Pages	@	2.85	572.85
Exhibit	519.00 Pages	@	0.50	259.50
Rough Disk (p)	189.00 Pages	@	1.35	255.15
DepoLaunch Pkg/Vid (ASCII, DpSync Vdo, PDF Trnscpts & Exhibts)			20.00	20.00
Delivery of Copy			20.00	20.00
Handling - Copy			20.00	20.00

1 CERTIFIED COPY OF TRANSCRIPT OF:

Gregory Thomas Garcia - Confidential Portion	34.00 Pages	@	2.85	96.90
DepoLaunch Pkg/Vld (ASCII, DpSync Vdo, PDF Trnscpts & Exhibts)			20.00	20.00
Rough Disk (p)	30.00 Pages	@	1.35	40.50

Copy of Video of:

Gregory Thomas Garcia				
Video: DVD	3.00 Units	@	160.00	480.00

TOTAL DUE >>> \$1,784.90

Tax ID: REDACTED

Phone: 310-312-2000 Fax: 310-312-3244

Please detach bottom portion and return with payment.

Eric J. German, Esq.
 Mitchell, Silberberg & Knupp
 11377 W. Olympic Blvd., 8th Fl.
 Los Angeles, CA 90064-1683

Job No. : 271646 BU ID : BCR - LA
 Case No. : CV 08-4013 SVW (FFMx)
 Case Name : Gable v. NBC

Invoice No. : 360208 Invoice Date : 11/18/2008
 Total Due : \$ 1,784.90

Remit To: **Barkley Court Reporters**
 File No 50217
 Los Angeles, CA 90074

Exhibit B
 Page 7

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
 Card Number: _____
 Exp. Date: _____ Phone#: _____
 Billing Address: _____
 Zip: _____ Card Security Code: _____
 Amount to Charge: _____
 Cardholder's Signature: _____

INVOICE



File No. 50217
Los Angeles, CA 90074-0217
Tel 800.222.1231 · Fax 310.867.2611

42040-1
NBC
ads.
Gable

RECEIVED

Eric J. German, Esq.
Mitchell, Silberberg & Knupp
11377 W. Olympic Blvd., 8th Fl.
Los Angeles, CA 90064-1683

JAN - 9 2009
Mitchell Silberberg & Knupp LLP

Invoice No.	Invoice Date	Job No.
362545	1/8/2009	274511
Job Date	Case No.	
12/22/2008	CV 08-4013 SVW (FFMx)	
Case Name		
Gable v. NBC		
Payment Terms		
Net 30; Interest @ 1.5%/mo after 30 days		

1 CERTIFIED COPY OF TRANSCRIPT OF:
Kenneth Neisser

393.95

TOTAL DUE >>>

\$393.95

Tax ID: REDACTED

Phone: 310-312-2000 Fax: 310-312-3244

Please detach bottom portion and return with payment.

Eric J. German, Esq.
Mitchell, Silberberg & Knupp
11377 W. Olympic Blvd., 8th Fl.
Los Angeles, CA 90064-1683

Job No. : 274511 BU ID : BCR - LA
Case No. : CV 08-4013 SVW (FFMx)
Case Name : Gable v. NBC

Invoice No. : 362545 Invoice Date : 1/8/2009
Total Due : \$ 393.95

Remit To: **Barkley Court Reporters**
File No 50217
Los Angeles, CA 90074

Exhibit B
Page 8

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

OK to pay
per Robert Rotstein
2/29/09
Re
42040-1

INVOICE

BARKLEY
Court Reporters
barkley.com

File No. 50217
Los Angeles, CA 90074-0217
Tel 800.222.1231 · Fax 310.867.2611

Mitchell Silberberg & Knupp LLP

FEB 19 2009

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FEB 19 2009

Robert H. Rotstein, Esq.
Mitchell, Silberberg & Knupp
11377 W. Olympic Blvd., 8th Fl.
Los Angeles, CA 90064-1683

Mitchell Silberberg & Knupp LLP

Invoice No.	Invoice Date	Job No.
364086	2/13/2009	276618
Job Date	Case No.	
2/6/2009		
Case Name		
Gable v. NBC		
Payment Terms		
Net 30; Interest @ 1.5%/mo after 30 days		

1 CERTIFIED COPY OF TRANSCRIPT OF:

David Gersch

Copy of Video of:

David Gersch.

535.00

340.00

TOTAL DUE >>>

\$875.00

[Handwritten signature]

Tax ID: **REDACTED**

Phone: 310-312-2000 Fax: 310-312-3244

Please detach bottom portion and return with payment.

Exhibit B
Page 9

EXHIBIT C

EXHIBIT C



24 | 7 Worldwide Client Service

Corporate Headquarters
747 Third Avenue - 28th Floor
New York, NY 10017
Phone: (877) 702-9580
Fax: (212) 207-3311
www.tsgreporting.com

INVOICE

DATE: 12/24/2008
INVOICE # 112008-62499-
62200

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JAN 12 2008

Mitchell, Silberberg & Knupp LLP

Bill To: *6/2/08* Robert H. Rotstein Esq.
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Blvd.
Los Angeles, CA 90064-1683

42040-1

CASE: Gable v. National Broadcasting Company
DEPOSITION: Gable, Mark
DATE: 11/20/2008
CITY: Los Angeles
STATE: California

Comments or Special Instructions: Original transcript sent to Steven Lowe via FedEx Overnight on 11/25/2008.

REPORTER	VIDEOGRAPHER	SHIP VIA	TERMS
Nikki Roy	Mitch Lerman	FedEx Overnight	net 30

DESCRIPTION	# OF PAGES / QTY	UNIT PRICE	AMOUNT
Original & 1 Certified Transcript	218	\$4.95	\$1,079.10
Original Transcript - Expedited Delivery	218	\$2.75	\$599.50
Rough ASCII	218	\$1.50	\$327.00
Reporter Appearance Fee / Session - Videotaped	2	\$70.00	\$140.00
Compressed / ASCII / Word Index	1	\$10.00	\$10.00
Exhibits - Hard	224	\$0.25	\$56.00
SUBTOTAL			\$2,211.60
SHIPPING & HANDLING			\$125.00
TOTAL			\$2,336.60

Please make all checks payable to: **TSG Reporting, Inc.**

Federal ID # **REDACTED**

For prompt payment processing, please include the invoice # with your check. All balances in arrears will be assessed a late fee of 1.5% per month, not to exceed the legal limit. If you have any questions, please call TSG.

THANK YOU FOR YOUR BUSINESS!

Exhibit C
Page 10

#2832



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Corporate Headquarters
747 Third Avenue - 28th Floor
New York, NY 10017
Phone: (877) 702-9580
Fax: (212) 207-3311
www.tsgreporting.com

INVOICE

DATE: 3/20/2009
INVOICE # 030309-36151

Bill To: Robert H. Rotstein Esq.
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Blvd.
Los Angeles, CA 90064-1683

RECEIVED**MAR 23 2009**

Mitchell Silberberg & Knupp LLP

CASE: Gable v. National Broadcasting Company
DEPOSITION: Nimmer, David
DATE: 3/3/2009
CITY: Los Angeles
STATE: California

Comments or Special Instructions: Original transcript sent to David Bigelow (Girardi) via FedEx Overnight on 3/5/2009.

REPORTER	VIDEOGRAPHER	SHIP VIA	TERMS
Christy Cannariato	Matt Smith	FedEx Overnight	net 30

DESCRIPTION	# OF PAGES / QTY	UNIT PRICE	AMOUNT
Original & 1 Certified Transcript	249	\$4.95	\$1,232.55
Original Transcript - 2-Day Delivery	249	\$3.75	\$933.75
Original Transcript - Evening Pages	5	\$2.00	\$10.00
Interactive Real-time (2)	498	\$1.50	\$747.00
Rough ASCII	249	\$1.50	\$373.50
Reporter Appearance Fee / Session - Videotaped	2	\$70.00	\$140.00
Reporter Appearance Fee / Evening Session - Videotaped	1	\$100.00	\$100.00
Compressed / ASCII / Word Index	1	\$10.00	\$10.00
Exhibits - Hard	205	\$0.25	\$51.25
Exhibits - Hard - Color	1	\$1.50	\$1.50
SUBTOTAL			\$3,599.55
SHIPPING & HANDLING			\$115.00
TOTAL			\$3,714.55

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THANK YOU FOR YOUR BUSINESS!

Exhibit C
Page 11

#2883



24 | 7 Worldwide Client Service

Corporate Headquarters
747 Third Avenue - 28th Floor
New York, NY 10017
Phone: (877) 702-9580
Fax: (212) 207-3311
www.tsgreporting.com

NBC ads.
Gable

INVOICE

DATE: 3/31/2009
INVOICE # 031009-65208

Bill To: Robert H. Rotstein Esq.
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Blvd.
Los Angeles, CA 90064-1683

RECEIVED

APR 9 2009

Mitchell Silberberg & Knupp LLP

CASE: Gable v. National Broadcasting Company
DEPOSITION: Sherman, Eric
DATE: 3/10/2009
CITY: Los Angeles
STATE: California

Comments or Special Instructions: Original transcript sent to Steven Lowe via FedEx Overnight on 3/11/2009.

REPORTER	VIDEOGRAPHER	SHIP VIA	TERMS
Christy Cannariato	Matthew Smith	FedEx Overnight	net 30

DESCRIPTION	# OF PAGES / QTY	UNIT PRICE	AMOUNT
Original & 1 Certified Transcript	98	\$4.95	\$485.10
Original Transcript - Daily Delivery	98	\$4.95	\$485.10
Interactive Real-time (2)	196	\$1.50	\$294.00
Rough ASCII	98	\$1.50	\$147.00
Reporter Appearance Fee / Session - Videotaped	1	\$70.00	\$70.00
Compressed / ASCII / Word Index	1	\$10.00	\$10.00
Exhibits - Hard	38	\$0.25	\$9.50
SUBTOTAL			\$1,500.70
SHIPPING & HANDLING			\$110.00
TOTAL			\$1,610.70

Please make all checks payable to: **TSG Reporting, Inc.** Federal ID # **REDACTED**

For prompt payment processing, please include the invoice # with your check. All balances in arrears will be assessed a late fee of 1.5% per month, not to exceed the legal limit. If you have any questions, please call TSG.

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Exhibit C
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